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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,337	04/15/2004	Baha T. Tanju	1600-09700	8644
<div>45933 7590 11/17/2009</div> <div>CONLEY ROSE, P.C. 600 TRAVIS SUITE 7100 HOUSTON, TX 77002</div> <div>EXAMINER MAHMOUDZADEH, NIMA</div> <div>ART UNIT 2477 PAPER NUMBER</div> <div>MAIL DATE 11/17/2009 DELIVERY MODE PAPER</div>				

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No. 10/825,337	Applicant(s) TANJU, BAHA T.
Examiner NIMA MAHMOUDZADEH	Art Unit 2477

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 13 October 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☒ Newly proposed or amended claim(s) 5,6,8 and 9 would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: 5-9,15-17 and 27.
Claim(s) objected to: _____.
Claim(s) rejected: 1-4,10-14,18-21,24-26 and 28.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☒ Other: See Continuation Sheet

/Chirag G Shah/
Supervisory Patent Examiner, Art Unit 2477

/N. M./
Examiner, Art Unit 2477

Continuation of 13. Other: On page 10 of the applicant's response the applicant argued that the prior art of the record fail to teach "a first master device generating a first data stream", "a second master device generating a second data stream, the first and second master devices being independent" and "[a] redundancy manager [that] is operable to selectively forward one of the first and second data streams to [a] slave device" of claim 1. The examiner respectfully disagrees. As shown in Fig. 1 of Raman, stream 170-A is generated by element 120 and directed to element 110. A first master device can broadly interpreted as any device that generates data. The same argument applies for the second device generating stream 170-B. Also, As shown in Fig. 3, element 110 that can be a switch as well, switches streams from one to another as explained in more detail in column 15, lines 30-39. On page 11 of the applicant's response the applicant argued that the prior art of the record fail to teach "a redundancy manager device" with a switching mechanism "configured to receive a first data stream associated with a first master device and a second data stream associated with a second master device" and where "the switching mechanism is configured to implement a default configuration that forwards one of the first and second data streams to the slave device" of claim 10. The examiner respectfully disagrees. As shown in Fig. 3 of Raman, stream 170-A and stream 170-B are received by element 110 and the selected stream is being directed to element 130. Also, as discloses in column 15, lines 30-39, the configuration remains the same unless a change event happens, which will trigger the switching mechanism to the other stream. On page 12 of the applicant's response the applicant argued that the prior art of the record fail to teach "receiving a plurality of data streams, each data stream being received from a different master device" and "forwarding one of the data streams to a slave device according to a prioritization of data stream validity estimates, requests to forward a particular data stream, and a switch-based timing threshold" of claim 18. The examiner respectfully disagrees. Fig. 3 discloses reception of different streams by element 110 and further more element 130. In Fig. 3, element 110 select the appropriate stream based on the validity of the streams as shown in column 15, lines 30-39. In column 10, lines 13-18, discloses detecting the change in the stream, element 110 sends a request to the switch, stream 170-B to continue the communication from element 122. Column 6 lines 9-33 of Raman, discloses the calculation of the time elapsed for the stream in order to find the appropriate position for the second stream to proceed. On page 13 of the applicant's response the applicant argued that the prior art of the record fail to teach "the slave device comprises a subsea tool" of claims 4 and 24. The examiner respectfully disagrees. Fig. 7 and Fig. 8 disclose the subsea hydraulically-operated devices that include the subsea sensors, whether placed underwater or at the surface, provide signals directly or after pre-processing to the control unit 310.